

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

DERRICK ANTHONY ROGERS,)	
)	
Petitioner,)	
)	
v.)	1:17CV1121
)	
ERIK A. HOOKS,)	
)	
Respondent.)	

ORDER

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on July 10, 2018, was served on the parties in this action. (Docs. 11, 12.) Petitioner objected to the Recommendation. (Doc. 14.)

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a *de novo* determination, which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that the Respondent's Motion for Summary Judgment (Doc. 4) is GRANTED, and that the Petition (Doc. 1) is DISMISSED. A judgment dismissing this action will be entered contemporaneously with this Order.

Finding neither a substantial issue for appeal concerning the denial of a constitutional right affecting the conviction nor a

debatable procedural ruling, a certificate of appealability is
DENIED.

/s/ Thomas D. Schroeder
United States District Judge

September 21, 2018